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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE DIAMOND RESORTS  
INTERNATIONAL, INC. SECURITIES  
LITIGATION

Civil Action No. 2:18-cv-01355

**JOINT STIPULATION AND  
ORDER**

WHEREAS, Lead Plaintiffs ODS Capital LLC and Nantahala Capital Management, LLC filed their Amended Complaint on December 17, 2018, against Defendants Diamond Resorts International, Inc. (“Diamond”), David J. Berkman, Stephen J. Cloobek, Richard M. Daley, Frankie Sue Del Papa, Jeffrey W. Jones, David Palmer, Hope S. Taitz, Zachary D. Warren, Robert Wolf, and Jared T. Finkelstein (together, the “Defendants”). ECF No. 26.

WHEREAS, all of the Defendants except Defendant Cloobek (the “Moving Defendants”) filed motions to stay the case pending the Supreme Court’s resolution of *Emulex*<sup>1</sup> (the “Motions to Stay”). ECF Nos. 31-32.

WHEREAS, Lead Plaintiff filed an opposition to the Motions to Stay and a cross motion for a scheduling order (the “Cross Motion”). ECF No. 42.

WHEREAS, on April 23, 2019, the Supreme Court dismissed the writ of certiorari in *Emulex* as improvidently granted.<sup>2</sup>

**IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys for the Moving Defendants and Lead Plaintiffs, as follows:

1. The Motions to Stay and Cross Motion are hereby withdrawn.
2. The Moving Defendants shall file any motions to dismiss or answer to the Amended Complaint by May 9, 2019.
3. If Moving Defendants file a motion(s) to dismiss, Lead Plaintiffs shall file any opposition brief within 46 days of that filing.
4. If Lead Plaintiffs file an opposition to Moving Defendants’ motion(s) to dismiss, the Moving Defendants shall file any reply brief(s) within 21 days of that filing.

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<sup>1</sup> *Emulex Corp. v. Varjabedian*, 139 S. Ct. 782 (U.S. Jan. 4, 2019).

<sup>2</sup> *Emulex Corp. v. Varjabedian*, No. 18-459, 2019 WL 1768137 (U.S. Apr. 23, 2019).

1 Dated: April 25, 2019

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25  
26  
27  
28  
**IT IS SO ORDERED.**

Respectfully submitted,

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UNITED STATES DISTRICT JUDGE

Dated: April 26, 2019.

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SO ORDERED.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Honorable Andrew P. Gordon  
United States District Judge

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